UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,731	02/12/2004	Shaibal Roy	ID-495 (80227)	5602

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EXAMINER
KEEFER, MICHAEL E

ART UNIT	PAPER NUMBER
2454	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| **Office Action Summary** | **Examiner** | **Art Unit** | |
| | MICHAEL E. KEEFER | 2454 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 March 2009*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-12,14-18,20-24,26-28,30 and 31* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1,4-12,14-18,20-24,26-28,30 and 31* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is responsive to the RCE and amendment filed 3/6/2009.

Claim Rejections - 35 USC § 103

1.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

2.   Claims 1, 4-8 and 10-12, 14-18, 20-24, 26-28 and 30-31 are rejected under 35

U.S.C. 103(a) as being unpatentable over Poor et al. (US 2002/0183080), hereafter

Poor, in view of Marl et al. (US 7284045), hereafter Marl, and in further view of

Natarajan et al. (US 7194544), hereafter Natarajan.

Regarding **claims 1, 12, 18, 24, and 28**, Poor discloses:

A communications system comprising:

a plurality of data storage devices, each using at least one of a plurality of

operating protocols, at least one data storage device operating using multiple

operating protocols; (Fig. 1 severs 30 and 28, the storage devices use multiple

operating protocols, not limited to tcp/ip, the internal operating protocol of the

server itself (i.e. the operating system), in addition [0026] indicates that a server

configuration file may contain multiple protocols)

a plurality of mobile wireless communications devices for accessing said

at least one data storage device and each using at least one of the plurality of

operating protocols; and (Fig. 1, wireless devices 10)

a protocol interface device comprising (Fig. 1 server 12)

a front-end proxy module for communicating with said plurality of

mobile wireless communications devices using respective operating

protocols, and (Fig. 1, server 12 recieves information from wireless

devices 10, therefore communication devices using respective operating

protocols)

a protocol engine module for

communicating with said plurality of data storage devices using

respective operating protocols (Fig. 1, Server 12, [0028] and Fig. 3,

intermediate system determines that the email service uses the pop3

protocol and selects it for use for communication with the server)

selecting a single supported operating protocol for communicating

with the given data storage device of said plurality thereof if only a single

operating protocol is supported thereby, and (Fig. 1, Server 12, [0028]

and Fig. 3, intermediate system determines that the email service uses the

pop3 protocol and selects it for use for communication with the server)

Poor discloses all the limitations of claims 1, 12, 18, 24, and 28 except for:

determining whether a given data storage device of said plurality

thereof communicates using multiple operating protocols,

The general concept of determining whether an email server is compatible

with multiple protocols is well known in the art as taught by Marl. (Col. 7, lines 40-

45 disclose determining what email protocol(s) are compatible with a given

server)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Poor with the general concept of determining whether an email server is compatible with multiple protocols as taught by Marl in order to enable a device to create a new electronic mail account that can access an existing email account from information that is typically known to a user.

Poor and Marl teach all the limitations of claims 1, 12, 18, 24, and 28 except for:

> selecting a desired operating protocol for communicating with the given data storage device of the plurality thereof from the multiple operating protocols if multiple operating protocols are supported thereby and said protocol enqine module selecting the desired operating protocol based upon a ranking of the plurality of operating protocols, the ranking being based upon a number of supported elements.

The general concept of selecting a protocol when multiple protocols are supported by a server is well known in the art as taught by Natarajan. (Col. 2 lines 9-27 discloses ranking protocols by various criteria, including the relative efficiency of protocols, which involves the elements which a protocol supports.) as well as The general concept of selecting a protocol when multiple protocols are supported by a server is well known in the art as taught by Natarajan. (Col. 2 lines 9-27 discloses ranking protocols by various criteria, including the relative efficiency of protocols, which involves the elements which a protocol supports. See also Col. 2 lines 28-31, and Col. 3 lines 49-58.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Poor and Marl with the general concept of selecting a protocol when multiple protocols are supported by a server as taught by Natarajan in order to allow the detection of Marl to support the case when a server supports one or more of the supported email protocols.

Regarding **claims 4, 14, 20, 26, and 30**, Poor discloses:

wherein said protocol interface device further comprises a memory connected to said protocol engine module for storing per-account information associated with each mobile wireless communications device; and wherein said protocol engine module further selects the desired operating protocol based upon the per-account information for a given wireless communications device. ([0027] discloses per-user(device) account information including desired operating protocols.)

Regarding **claims 5, 15-16, and 21-22**, Poor discloses:

wherein said front-end proxy module and said protocol engine module communicate using a common interface protocol able to represent a desired number or all of protocol-supported elements for a desired operating protocol. (There must be a protocol that supports all of the protocol-supported elements for the desired operating protocol in order for the system of Poor to function. In this case [0028] discloses that a text protocol is used to signal the intermediate server what functionality is desired from the data servers.)

Regarding **claims 6-8, 17, 23, 27, and 31**, Poor discloses:

wherein said plurality of data storage devices, said plurality of mobile

wireless communications devices, and said protocol interface device process

electronic mail (e-mail) messages. ([0028] discloses retrieving email messages

from email mailboxes as requested by a mobile device)

Regarding **claim 10**, Poor discloses:

A WAN connecting the devices to the protocol device. (Fig. 1, wireless

network 14)

Regarding **claim 11**, Poor discloses:

A WAN connecting the storage devices to the protocol devices. (Fig. 1, the

internet)

3.   **Claim 9** rejected under 35 U.S.C. 103(a) as being unpatentable over Poor, Marl,

and Natarajan as applied to claim 1 above, and further in view of Chen (US 6918041).

Poor, Marl, and Natarajan teach all the limitations of claim 9 except for

generating an error responsive to at least one non-supported operating protocol.

The general concept of generating an error responsive to at least one non-

supported operating protocol is well known in the art as taught by Chen. (Col. 8, lines

20-35)

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Poor, Marl, and Natarajan with the general concept of generating an

error responsive to at least one non-supported operating protocol as taught by Chen in

order to obtain an alert on the occurrence of a fault condition.

Response to Arguments

4.   Applicant's arguments filed 3/6/2009 have been fully considered but they are not persuasive.

5.   Applicant argues that Natajaran does not teach ranking protocols based off of a number of supported functions. The Examiner disagrees with Applicants assertion, noting that Col. 3 lines 49-58 specifically list the use of functions that a protocol may support being used to rank protocols. These "user preferences" and "configuration" are mentioned throughout Natajaran as being used to rank protocols for selection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL E. KEEFER whose telephone number is (571)270-1591. The examiner can normally be reached on Monday through Friday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MEK 3/14/2009

/Dustin Nguyen/

Primary Examiner, Art Unit 2454